Metropolitan Transit System

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MTS / SD&AE RIGHT OF ENTRY PERMIT INSTRUCTIONS

- A Right of Entry Permit (Permit) is necessary when entering MTS / SD&AE right-of-way, including airspace, for any purpose. A permit is also required when working in public right-of-way occupied by MTS / SD&AE facilities. Prior to issuance of Permit, project plans/specifications must be approved by MTS.

- To initiate project review, complete a "Plan Review / Right of Entry Permit Application" form located on the MTS website (http://www.sdmts.com/Business/Permits.asp). Return form to MTS along with the required number of plan sets, a $500 application fee, and an 8.5"x11" size vicinity map or Thomas Guide page showing the location of project.

- A letter of findings will be issued, generally within two weeks, indicating provisional approval or if additional engineering review is required. Permit fees including plan review, Permit processing, and general Permit oversight costs are assessed at this time and an invoice is processed. If a comprehensive, engineering review is necessary, a deposit will be required for the probable reimbursable cost to cover reviews and other expenses.

- Permission to proceed with the Permit process will be granted only after the project has engineering review approval. If the encroachment requires an easement or a license to allow permanent facilities within the right-of-way, the license or easement will be processed concurrent with the Permit. A plat and legal description, signed by a land surveyor licensed in the State of California, and an appraisal to determine fair market value are required. Additional fees for processing the easement or license will be assessed. Board approval is required for Railroad rights.

- Permit processing and approval should be granted within two weeks once the plans have been approved, the proper insurance certificates have been received, and permit fees have been paid. Urgent permits will need authorization from the Chief Executive Officer or his designee.

- MTS Insurance Requirements can be downloaded from the MTS website. As a general note, most general liability insurance do not cover railroads. Any exclusions relating to performance of operations within the vicinity of any railroad, bridge, trestle, track, roadbed, tunnel, underpass, or crossing must be deleted from the policy. If the exclusions can't be removed, a separate Railroad Protective Liability Policy will be required.

- A construction schedule that includes the number of days anticipated to encroach on the right-of-way must be submitted to process the permit. Include times and lengths of shifts, along with anticipated construction methods. Also submit approved Traffic control Plans where applicable. Contact San Diego Trolley Inc. (SDTI) for information on Trolley schedules. Contact Rail America for information on freight train schedules.

Metropolitan Transit System (MTS) is a California public agency and is comprised of San Diego Transit Corporation and San Diego Trolley, Inc. nonprofit public benefit corporations, in cooperation with Chula Vista Transit and National City Transit. MTS is the taxicab administrator for eight cities and the owner of the San Diego and Arizona Eastern Railway Company.

MTS member agencies include: City of Chula Vista, City of Coronado, City of El Cajon, City of Imperial Beach, City of La Mesa, City of Lemon Grove, City of National City, City of Poway, City of San Diego, City of Santee, and the County of San Diego.

- Flagging will be required anytime work is within 15 feet of track including airspace or as deemed necessary by Trolley personnel. Permitte will complete and fax SDTI Flagperson / Right-of-Way Work Request form and to MTS and SDTI a minimum of two business days prior to anticipated work day. Normally, the cost for flagging is $25.00 an hour for one man or $50.00 for a two-man team. Billing will be directly from SDTI to the Permittee and is separate from the Permit fee.

- A pre-construction meeting will be required with MTS and SDTI prior to work commencing within the right-of-way. A written notice of planned start of work must be submitted to MTS a minimum of five business days prior to work starting in the right-of-way. All work will be stopped and Permittee will not be allowed in the right-of-way without proper notification.

- Permittee must adhere to construction and safety standards required by MTS of their contractors when working within the right-of-way.

- A written notice shall be submitted to MTS that work has been completed per the permit. Any additional work required to replace or repair the railroad facilities in good working order will be the responsibility of the Permittee prior to work acceptance. A notice to the Permittee will be issued upon acceptance of the work by MTS.

- Any excess deposited funds will be reimbursed to the Permittee after all requirements of the permit are met. This does not include Permit fees which are non-refundable.

- Permittee will provide MTS with a set of as-builts, hard copy and electronic file upon request, within thirty days of relief from maintenance. No excess deposited funds will be released until as-builts are submitted signed by a licensed engineer in the State of California.